

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MONSANTO COMPANY and  
MONSANTO TECHNOLOGY LLC,

Plaintiffs/Counterclaim  
Defendants,

v.

E.I. DU PONT DE NEMOURS AND CO. and  
PIONEER HI-BRED INTERNATIONAL, INC.,

Defendants/Counterclaim  
Plaintiffs.

Case No. 09-cv-0686 (ERW)

**DEFENDANTS' MOTION FOR LEAVE TO FILE  
UN-REDACTED DOCUMENTS UNDER SEAL**

Pursuant to E.D. Mo. L. R. 13.05(A), E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc. (collectively "DuPont & Pioneer") respectfully move the Court for an order allowing Defendants to file complete, unredacted copies of their Motion for Leave to File a Surreply in Opposition to Monsanto's Motion to Dismiss Certain Antitrust and Patent Counterclaims and/or to Strike Certain Patent Affirmative Defenses and their proposed Surreply under seal. The basis for this relief is as follows:

1. The Court has previously allowed the parties to file various pleadings and exhibits under seal. Further, the protective order entered herein provides for the filing of confidential information and documents under seal.

2. Portions of the Motion for Leave to File a Surreply and the proposed Surreply itself quote from and/or paraphrase information designated as Confidential or Restricted Confidential by at least one of the parties. Therefore, these portions of the Motion for Leave to

File a Surreply and the proposed Surreply should be sealed. Defendants will also file redacted versions of these documents as part of the public record.

WHEREFORE, Defendants respectfully request that the Court enter an order allowing Defendants to file under seal a complete, unredacted Motion for Leave to File a Surreply in Opposition to Monsanto's Motion to Dismiss Certain Antitrust and Patent Counterclaims and/or to Strike Certain Patent Affirmative Defenses and their proposed Surreply.

Dated: December 8, 2010

Respectfully submitted,

**LEWIS, RICE & FINGERSH, L.C.**

By: /s/ C. David Goerisch  
Andrew Rothschild, #4214  
C. David Goerisch, #77207  
600 Washington Avenue, Suite 2500  
St. Louis, Missouri 63101  
(314) 444-7600  
(314) 241-6056 (facsimile)  
arothschild@lewisrice.com  
dgoerisch@lewisrice.com

Leora Ben-Ami  
Thomas F. Fleming  
Christopher T. Jagoe  
Howard S. Suh  
**KAYE SCHOLER LLP**  
425 Park Avenue  
New York, New York 10022  
(212) 836-8000  
(212) 836-8689 (facsimile)  
lbenami@kayescholer.com  
tfleming@kayescholer.com  
cjagoe@kayescholer.com  
hsuh@kayescholer.com

Donald L. Flexner  
**BOIES, SCHILLER & FLEXNER LLP**  
575 Lexington Avenue, 7th Fl.  
New York, New York 10022  
(212) 446-2300  
(212) 446-2350 (facsimile)  
dflexner@bsfllp.com

James P. Denvir  
Amy J. Mauser  
**BOIES, SCHILLER & FLEXNER LLP**  
5301 Wisconsin Avenue, N.W.  
Washington, D.C. 20015  
202-237-2727  
202-237-6131 (facsimile)  
jdenvir@bsfllp.com  
amauser@bsfllp.com

*Counsel for Defendants E.I. du Pont de Nemours and  
Company and Pioneer Hi-Bred International, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

- **Steven M. Berezney**  
steve.berezney@huschblackwell.com
- **Kurt G. Calia**  
kcalia@cov.com
- **Matthew A. Campbell**  
macampbell@winston.com
- **Scott W. Clark**  
sclark@mwe.com
- **Joseph P. Conran**  
joe.conran@huschblackwell.com
- **Todd J. Ehlman**  
tehlman@winston.com
- **Anthony J. Franze**  
Anthony.Franze@aporter.com
- **Greg G. Gutzler**  
greg.gutzler@huschblackwell.com
- **James M. Hilmert**  
jhilmert@winston.com
- **George C. Lombardi**  
glombardi@winston.com
- **Kurt A. Mathas**  
kmathas@winston.com
- **Omri E. Praiss**  
omri.praiss@huschblackwell.com
- **John J. Rosenthal**  
jrosenthal@winston.com
- **Rebecca M. Ross**  
rmross@winston.com
- **Mark A. Smith**  
markasmith@winston.com
- **Steven G. Spears**  
sspears@mwe.com, jjknapp@mwe.com
- **Tamara M. Spicer**  
tamara.spicer@huschblackwell.com, jean.melenbrink@huschblackwell.com
- **Gail J. Standish**  
gstandish@winston.com
- **Dan K. Webb**  
dwebb@winston.com

\_\_\_\_\_  
/s/ C. David Goerisch